

**DEPARTMENT OF EDUCATION - OFFICE OF FISCAL SERVICES
REQUEST and NOTICE OF EXEMPTION FROM PROCUREMENT**

PART I - REQUEST FOR EXEMPTION FROM PROCUREMENT

1. TO: DOE Chief Procurement Officer (**send completed original form to OSFSS Project Control Section**)

FROM: Facilities Development Branch, OSFSS
(Name of School or Program)

The school/program named above requests a procurement exemption as follows below.

2. This exemption is requested pursuant to:
 § 103D-102(b)(4), HRS and Chapter 3-120, HAR or
 § 103F-101(a)(4), HRS and Chapter 3-141, HAR

3. Island/District: Statewide or
 Oahu Hawaii Kauai Maui

4. Description of the proposed purchase (attach additional sheets if necessary):
Indicate one category: good service construction Health/Human service professional service
Brief description:

Electrical upgrade for Farrington HS subject to the specifications in Job NO. P21005-07

5. Vendor Information
Name: To Be Determined
Address:

6. Term of Contract
From: 120 days from
NTP
To:

7. Total Cost:
TBD

8. Explanation describing how procurement by competitive means is either **not practicable or not advantageous** to the State (attach additional sheets if necessary):

This project was originally solicited as a 'Sealed Bid' Invitation For Bids (IFB) Job Number P21005-07 (bid opening 6/28/10) and awarded (on 4/8/11) to Biven's Electric, Inc. dba West Coast Construction under DOE Contract Number C2000249. The award was for the amount of \$2,788,476.00 (including contingency). Biven's went out of business and failed to perform the work as specified in the contract, and was found in breach of contract. The DOE must contract for the completion of the work as expeditiously as possible, as set forth in both the contractual terms and the Hawaii Procurement code. However, the Procurement Code fails to state the specific mechanism to do so. This exemption request is to allow the DOE to proceed with an alternate procurement method in absence of any stated authority to do so and provide clear and unambiguous authority to proceed.

9. Details of the process or procedure to be followed in selecting the vendor to **ensure maximum fair and open competition** as practicable (attach additional sheets if necessary):

The DOE shall approach the next low bidder and attempt to secure their pricing in the bid offer.. Negotiations supporting an adjustment in price shall be allowed given the amount of time that has elapsed from the time of the offer and to account for subsequent changes in the market and commodity prices. If a contract cannot be secured, the next lower bidder in order of ranking on the bid responses will be offered and so forth until a contract can be secured. If the bid response list is exhausted, the DOE may negotiate with any vendor deemed capable of performing the work.

10. A description of the school/program internal controls and approval requirements for the exempted procurement (attach additional sheets if necessary):

Review and approval must be secured by the Project Control Section, Aux. Services Branch, and then by the Assistant Superintendent of OSFSS.

11. List of school/program personnel who will be involved in the approval process and administration of the contract (attach additional sheets if necessary):

Name	Title	Involvement in process	
Duane Kashiwai	Director, FDB	<input checked="" type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Christian Butt	Administrator, Project Control Sec	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Gilbert Chun	Administrator, Aux Svc Branch	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Dann Carlson	Assistant Superintendent, OSFSS	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

12. This exemption should be recommended to the Procurement Policy Board to be considered for the list of exemptions attached to Chapter 3-120 or 3-141, HAR: Yes No

13. I hereby certify that the information provided above is, to the best of my knowledge, true and correct; and that all applicable statutory, administrative, policy and procedures have or shall be complied with.



Administrator's Signature & Title

JUN 20 2016

Date

PART II - NOTICE OF EXEMPTION FROM PROCUREMENT

The school/program named below intends to exempt the goods, services, or construction (as described in the request above) from procurement for good cause. The Chief Procurement Officer is in the process of reviewing this request.

Inquiries and questions about this request may be directed to:

Name/Title: Duane Kashiwai
 School/Program: Facilities Development Branch
 Address: 3633 Waiialae Ave., Bldg E, 2nd Floor
 Honolulu, Hawaii 96816
 Telephone No.: 808-784-5042
 email address: Duane_Kashiwai@notes.k12.hi.us

Written objections to this Notice of Exemption must be received within seven (7) calendar days from the date this notice was posted, and shall be directed to:

DOE Project Control Section
 Attn: Procurement Officer
 3633 Waiialae Ave., Bldg E, 1st Floor
 Honolulu, Hawaii 96816
 Telephone Number: 808-784-5012
 email address: Christian_Butt@notes.k12.hi.us

Reserved for Procurement Office Use

14. Chief Procurement Officer's Comments:

15. Approved
 Disapproved
 No Action

Kathryn S. Matayoshi, Superintendent & CPO

Date

c: Administrator, State Procurement Office